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April 12, 2013

VIA CM/ECF

Hon. Michael A. Hammer, U.S.M.J.
United States District Court for the District of New Jersey
King Building & U.S. Courthouse
50 Walnut St., Newark, NJ 07701

RE: *Montvale Health Associates a/s/o Christine S. et al. v. Aetna Insurance et al.,*
Civ. No. 12-3670 (KM/MAH)

Dear Judge Hammer:

This firm represents Defendants Aetna Life Insurance Company (improperly pled as "Aetna Insurance") and KPMG, LLP (collectively the "Defendants") in the above-referenced matter. During the status teleconference held on March 12, 2013, Your Honor directed the parties to submit a joint letter regarding the issue of whether discovery in this case is limited to the Administrative Record. The parties have conferred but have been unable to agree on the scope of discovery in this matter.

Aetna's position remains firm that submission of an expert report at any time, and in any form, is improper. This case is a denial of benefits case, and as such, the case law is clear that discovery should be limited to the administrative record. The expert report would introduce new evidence that was not a part of the administrative record, and was not presented as part of the appeals process. Therefore, submission of an expert report would be improper.

Plaintiff has continued to maintain a desire to submit an expert report. It is therefore clear that the parties have been unable to agree on the scope of discovery. Accordingly, the parties

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April 5, 2013
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respectfully request that Your Honor schedule a teleconference with the parties to determine how to proceed and a schedule for briefing any issues that are necessary.

As always, we are available to answer any questions Your Honor or Your Honor's staff may have regarding this matter.

Respectfully submitted,

s/ Matthew A. Baker

Matthew A. Baker